Scope of Environmental Impact Statement to Evaluate Oyster Restoration Alternatives for the Chesapeake Bay

The Scope this EIS was developed by the Project Delivery Team in March 2004 based upon public scoping comments received in response to the Notice of Intent to prepare this EIS that was published in the Federal Register on January 5, 2004.

Proposed Action:

The State of Maryland and Commonwealth of Virginia propose to introduce the oyster species, *Crassostrea ariakensis*, into the tidal waters of Maryland and Virginia, beginning in 2005 or as soon as a rigorous, scientifically based EIS can be undertaken and a Record of Decision prepared, for the purpose of establishing a naturalized, reproducing, and self-sustaining population of this oyster species.

Diploid *C. ariakensis* would be propagated from existing 3rd or later generation of the Oregon stock of this species, in accordance with the International Council for the Exploration of the Sea's (ICES) 1994 Code of Practices on the Introductions and Transfers of Marine Organisms.

Deployment of diploid *C. ariakensis* from hatcheries is proposed to occur first on State designated sanctuaries separate from native oyster restoration projects, where harvesting would be prohibited permanently, and then on harvest reserve and special management areas where only selective harvesting would be allowed.

The States further propose to continue native oyster (*C.virginica*) restoration efforts with the Corps throughout the Chesapeake Bay by using the best available restoration strategies and stock assessment techniques, including the maintenance and expansion of the existing network of sanctuaries and harvest reserves, enhancing reproduction through broodstock enhancement, and supplementing natural recruitment of this species with hatchery produced spat.

Alternatives Retained For Study:

1.1. Alternative 1--No Action

Not taking the proposed action: Continue Maryland's present Oyster Restoration and Repletion Programs, and Virginia's Oyster Restoration Program under current program and resource management policies and available funding using the best available restoration strategies and stock assessment techniques.

1.2. Alternative 2--Expand native Oyster Restoration Program

Expand, improve, and accelerate Maryland's Oyster Restoration and Repletion Programs, and Virginia's Oyster Restoration Program in collaboration with Federal and private partners. This work would include, but not be limited to an assessment of cultch limitations and long-term solutions for this problem and the development, production, and deployment of large quantities of disease resistant strain(s) of C. Virginia (Eastern Oyster) for brood stock enhancement.

1.3. Alternative 3--Harvest Moratorium

Implement a temporary harvest moratorium on native oysters and an oyster industry compensation (buy-out) program in Maryland and Virginia or a program under which displaced oystermen are offered on-water work in a restoration program.

1.4. Alternative 4--Aquaculture:

Establish and/or expand State-assisted, managed or regulated aquaculture operations in Maryland and Virginia using the native oyster species.

1.5. Alternative 5-- Aquaculture:

Establish State-assisted managed or regulated aquaculture operations in Maryland and Virginia using suitable triploid, nonnative oyster species.

1.6. Alternative 6—Introduce and Propagate an Alternative Oyster Species (Other than *C. ariakensis*) or an Alternative Strain of *C. ariakensis*

Introduce and propagate in the State sponsored, managed or regulated oyster restoration programs in Maryland and Virginia, a disease resistant oyster species other than C. ariakensis, or an alternative strain of C. ariakensis, from waters outside the U.S. in accordance with the ICES 1994 Code of Practices on the Introductions and Transfers of Marine Organisms.

1.7. "Alternative 7 -- Introduction of Diploid *Crassostrea ariakensis* And Discontinuation of *Crassostrea virginica* Restoration Programs":

Introduce the oyster species, *Crassostrea ariakensis*, into the tidal waters of Maryland and Virginia for the purpose of establishing a naturalized, reproducing, and self-sustaining population of this oyster species. Diploid *C. ariakensis* would be propagated from existing 3rd or later generation of the Oregon stock of this species, in accordance with the International Council for the Exploration of the Sea's (ICES) 2003 Code of Practices on the Introductions and Transfers of Marine Organisms. Deployment of diploid *C. ariakensis* from hatcheries is proposed to occur first on State designated sanctuaries, where harvesting would be prohibited permanently, and then on harvest reserve and special management areas where only selective harvesting would be allowed.

Alternative 8- Combination of Alternatives